

ENTERED

February 19, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

ANDREA GARCIA,

§

Plaintiff,

§

VS.

§ CIVIL ACTION NO. 1:19-CV-113

METROPOLITAN LIFE INSURANCE, *et al.*,

§

Defendants.

§

§

ORDER ADOPTING REPORT AND RECOMMENDATION

On January 27, 2020, the United States Magistrate Judge filed a Report and Recommendation (Doc. 17) recommending that Defendant Metropolitan Life Insurance's Motion to Dismiss (Doc. 13) be granted and Plaintiff Andrea Garcia's claims be dismissed with prejudice. The Magistrate Judge also recommended that the Court issue an order for Plaintiff's counsel, Juan Angel Guerra, to show cause, pursuant to Federal Rule of Civil Procedure 11(c)(3), as to why he should not be sanctioned for repeatedly filing meritless complaints. No party filed objections to the Report and Recommendation.

After considering the Report and Recommendation and the applicable law, the Court **ADOPTS** the Report and Recommendation. Accordingly, it is:

ORDERED that Metropolitan Life Insurance's Motion to Dismiss and Brief in Support (Doc. 13) is **GRANTED**; and

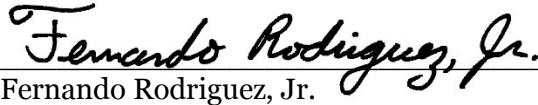
ORDERED that all of Plaintiff Andrea Garcia's causes of action are **DISMISSED WITH PREJUDICE**.

It is also **ORDERED** that by March 4, 2020, Plaintiff's counsel, Juan Angel Guerra, file a statement with the Court showing cause, pursuant to Federal Rule of Civil Procedure 11(c)(3), as to why he should not be sanctioned for the repeated filing of meritless complaints, as detailed in the adopted Report and Recommendation. The Court will consider the failure to file such a

statement within the allotted time period as indicating agreement that the Court should order appropriate sanctions.

Although the Court has dismissed all of Plaintiff's claims, the Court will keep the matter open during its consideration of possible sanctions against Plaintiff's counsel, which could include, *inter alia*, the award of attorney's fees to the Defendant.

SIGNED this 19th day of February, 2020.



Fernando Rodriguez, Jr.
United States District Judge